

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING**  
**FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY**  
**CORPS OF ENGINEERS**

**DISTRICT OFFICE:** San Francisco District

**FILE NUMBER:** 29256S

**REGULATORY PROJECT MANAGER:** Bob Smith **Date:** February 8, 2005

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** N **Date:**

**At the project site (Y/N)** Y **Date:** 1/5/05

**PROJECT LOCATION INFORMATION:**

State: California

County: San Francisco

Center coordinates of site by latitude & longitude coordinates: 37-47-34, 122-28-27

Approximate size of site/property (including uplands) in acres: 1,500

Name of waterway or watershed: San Francisco Bay

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?		X			
Is or would be used as habitat by other migratory birds that cross state lines?		X			

Is or would be used as habitat for endangered species?		X			
Is used to irrigate crops sold in interstate commerce?		X			
<sup>1</sup> Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

**TYPE OF DETERMINATION:**      Preliminary      Or Approved **X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

**The three areas of wetland at this site are the result of ground water seeps from the sandy ridge above. There is no outflow of water from the wetlands areas. The site is not adjacent to or within proximity of a water of the U.S., therefore the wetlands are isolated and not subject to Corps regulation. The maps, plans, plots, and data sheets prepared by the applicant were reviewed to determine jurisdiction. This office concurs with the delineation report, dated April 2003, prepared by the National Park Service.**